

REGULAR MEETING of the Town Council held on Wednesday, June 22, 2005 at 7:30 o'clock P.M. in the Town Council Chambers, Town Building, 105 Harrisville Main St., Harrisville, for and within the Town of Burrillville.

MEMBERS PRESENT: Council President Wallace F. Lees; Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

MEMBERS ABSENT: None

1. Erica Marengo led those present in pledging allegiance to the flag.

2. VOTED to accept the minutes of the public hearing held May 26, 2005 and the regular meeting held June 8, 2005 and dispense with the reading of said minutes.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

3. Public Comment: None

4. General Good and Welfare of the Town of Burrillville.

Councilor Jacqueline Zahn noted that in his recent newsletter Senator Chafee had recognized the recycling program at the Burrillville Middle School. Councilor Zahn congratulated the Middle School on their recycling efforts and the funds the program had raised.

Council President Wallace F. Lees discussed the Relay for Life to be held on Friday and Saturday, June 24 and 25, 2005 at Branch River Park.

Council President Wallace F. Lees extended best wishes to former Councilor Louis Bleiweis who has become seriously ill.

5. Petitions:

05-213 VOTED to grant the petition from Verizon New England, Inc. and the Narragansett Electric Company to place one new joint pole (P.6) location on Paula Drive, subject to the stipulations that if the pole has to be moved, it be done at Verizon's expense, and that the poles must be located within the roadway right of way and a minimum of one and one-half feet off of the edge of the pavement surface to avoid conflict with snow removal operations.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of

the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

6. Special Business:

05-214 VOTED to adopt a proclamation honoring Michelle Bouchard on being named Mrs. Rhode Island 2005.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

Discussion: Council President Wallace F. Lees read the following proclamation to Michelle Bouchard and congratulated her on her achievement.

Burrillville Town Council

Proclamation

WHEREAS, on May 23, 2005, Michelle Bouchard of Harrisville was chosen to be Mrs. Rhode Island, 2005; and

WHEREAS, Michelle Bouchard was chosen from numerous candidates representing other Rhode Island cities and towns; and

WHEREAS, Whereas, this selection is based on leadership, humanity, intelligence and beauty; and

WHEREAS, Michelle currently works as a registered nurse at Zambarano Hospital in Pascoag and is attending Rhode Island College to earn her bachelor's degree; and

WHEREAS, Michelle's husband, Michael Bouchard, a Patrolman in the Burrillville Police Department, is proud of his wife's accomplishment; and

WHEREAS, Michelle's selection as Mrs. Rhode Island 2005 has brought honor and distinction to the Town of Burrillville.

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Burrillville, commends and congratulates Michelle Bouchard on her being named Mrs. Rhode Island 2005 and extends its best wishes for her success at the Mrs. America pageant to be held September 7, 2005, in Palm Springs, California.

Adopted this 22nd day of June 2005

05-215 VOTED to continue to June 29, 2005, the application from Jens Place, LLC for an annual victualing license to apply at 1180 South Main Street, Pascoag, RI, Assessor's Map 266, Lot 3.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors

Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

7. Unfinished Business:

Note: Councilor Margaret L. Dudley recused from discussion of item #05-118.

05-118 VOTED to open for discussion a resolution regarding a tax stabilization program for Crystal Lake Golf Course.

Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion carried, six in favor, one refusal. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Ronald E. Faford and William E. Gonyea. Councilor Margaret L. Dudley recused.

Discussion: Michael C. Wood, Town Manager, explained that the Town has a general ordinance that allows new businesses to apply for tax stabilization. While there have not been many requests and such requests might not be encouraged, Mr. Wood indicated that this is a reasonable request, due to the nature of the business, open space issues, etc. Mr. Wood said that there had been a public hearing on the matter and the current resolution reflects the input from that public hearing. Mr. Wood explained the alternatives under

consideration: one which would allow for recapture of taxes should the property be sold, the second which would call for recapture only if there were a change of use. Michael C. Wood, Town Manager, indicated that there would be a requirement that Crystal Lake give hiring preferences to Burrillville residents. Mr. Wood explained that the Town would maintain the full assessed value to be used should changes become necessary or at the termination of the agreement.

Walter J. Kane, Town Solicitor, explained the changes between the two proposed resolutions. Mr. Kane suggested that the purpose of the stabilization is to encourage the development of the golf course. He suggested that if the ownership changed but the use remains the same it would be reasonable not to ask for recapture of taxes. Mr. Kane suggested that, if the Town Council adopts the resolution, Mr. Bliss should also sign the resolution to indicate his acceptance.

Kevin Bliss of Crystal Lake addressed the Town Council, agreed with the contents of the resolution but questioned the assessed value listed on the document. The resolution indicated an assessed value of \$3,942,200 and Mr. Bliss believed the amount of approximately \$2,500,000. The matter was discussed. Councilor Jacqueline Zahn suggested that the figures should be checked before the Town Council voted on the resolution.

VOTED to table the matter to June 29, 2005.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion carried, six in favor, one refusal. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Ronald E. Faford and William E. Gonyea. Councilor Margaret L. Dudley refused.

05-165 VOTED to open the correspondence from Richard A. Bernardo, P.E., Director of Public Works, regarding the inquiry from David Shaw, Pascoag Fire Chief, regarding the condition of Olney Keech Trail off Jackson Schoolhouse Road.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

Discussion: It was noted that correspondence had been received from David Shaw, Pascoag Fire Chief, indicating that the Fire Commissioners had received the correspondence and had tabled the matter.

VOTED to table the matter and take no action on it.

Motion by Councilor William A. Andrews. Seconded by Councilor

Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

05-198 VOTED to open consideration and action on final budget adjustments for FY2006; and possible scheduling of a special meeting to be held Wednesday, June 29, 2005.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

Discussion: Barbara A. VonVillas, Ph.D., asked that the Town Council delay final budget adjustments until further information had been received from the state. Dr. VonVillas indicated that the School Department needed an additional \$150,000 to function well. Michael C. Wood, Town Manager, discussed his belief that changes in state funding would not affect the tax rate. Mr. Wood recommended that the final adjustments wait an additional week, when the Town would have additional information related to RIGL §45-13-13, school aid, possible changes in the excise tax, etc.

VOTED to table until June 29, 2005.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

8. New Business:

05-216 VOTED to open the correspondence from Frank and Dawn Almstrom of Harrisville regarding their request for an abatement of interest; and the recommendation of John P. Mainville, Finance Director.

Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

Discussion: It was noted that Frank and Dawn Almstrom were not present.

VOTED to deny.

Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the

motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

05-217 VOTED to open the correspondence from Stephen M. Kearney of Pascoag regarding his request for an abatement of interest; and the recommendation of John P. Mainville, Finance Director.

Motion by Councilor Ronald E. Faford. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

Discussion: It was noted that Stephen M. Kearney was not present.

VOTED to deny.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

05-218 MOTION to receive and open the correspondence from Mr. & Mrs. Michael Ras of Pascoag regarding their request for an abatement

of interest; and the recommendation of John P. Mainville, Finance Director.

Note: There was no second.

VOTED to deny.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

05-219 VOTED to grant the request of Louise R. Phaneuf, Town Clerk, regarding her request to withdraw \$29.70 from the Austin T. Levy Memorial Fund for flowers placed at the Levy gravesite.

Motion by Councilor William E. Gonyea. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

05-220 VOTED to open the correspondence from Michael C. Wood, Town Manager, regarding his appointment of an interim administrative building committee for the Callahan School project.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

Discussion: Councilor Jacqueline Zahn encouraged applicants for a Callahan School Building Committee, noting that the screening subcommittee would be conducting interviews and that the current appointment was for an interim committee.

VOTED to approve Michael C. Wood, Town Manager's appointment of an interim administrative building committee.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

05-221 Correspondence from Jacqueline Zahn, Chair, Screening Subcommittee, regarding the following recommendations:

1. VOTED to appoint Peter Walsh to the Library Fundraising Committee.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

2. VOTED to appoint L. Kevin McDonald as an alternate member of the Budget Board for a one-year term to expire June 30, 2006.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

3. VOTED to appoint John Larochelle to the Planning Board for a three-year term to expire March 31, 2008.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

Discussion: It was noted that Peter Walsh and John Larochelle were present at the meeting. They were thanked for attending,

congratulated on their appointments and asked to see the clerk to be sworn in.

05-222 VOTED to refer to the Screening Subcommittee the correspondence from Raymond D. George, Chairman, Burrillville Sewer Commission, regarding his request for reappointment to the Burrillville Sewer Commission.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

Discussion: Councilor Jacqueline Zahn noted that the Town Council had recently received a letter of resignation from John Cowles of the Sewer Commission and that the Screening Subcommittee would take up the matter at their meeting scheduled for June 24, 2005. There was a discussion of the importance of filling the vacancy in a timely manner.

9. Town Clerk/Communication:

05-223 VOTED to table discussion of Senate Bill 2005 – S 0920, An Act Relating to Public Property and Works – Labor and Payment of Debts by Contractors. (This act would require any contractor who is

awarded a public works contract after July 1, 2005 to ascertain the prevailing wage rate and make the necessary adjustments.)

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

05-224 VOTED to support the Providence City Council resolution in support of Senate Bill 2005-S-0064, An Act Relating to Education, introduced by Senator Paul Fogarty.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

05-225 VOTED to receive and file the request of the Smithfield Town Council for support of their resolution in support of pension reforms by the Governor.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors

Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

05-226 VOTED to support the Warren Town Council resolution in support of meaningful solutions to the rising cost of education.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

10. VOTED to receive the following reports:

- 1. Town Treasurer: May 2005**
- 2. Burrillville Sewer Commission: May 2005**
- 3. Tax Collector: May 2005**
- 4. Department of Public Works: May 2005**
- 5. Chief of Police: May 2005**
- 6. Office of Building Official: May 2005**
- 7. Animal Control Officer: May 2005**
- 8. Burrillville Housing Authority: Meetings of March 31, and May 5, 2005**
- 9. Planning Board: Meeting of May 2, 2005**
- 10. Zoning Board of Review: No report**
- 11. Town Planner: No report**

- 12. Parks and Recreation Department: No report**
- 13. Information Systems Department: June 2005**
- 14. Burrillville Conservation Commission: No report**
- 15. Juvenile Hearing Board: No report**
- 16. Ordinance Subcommittee: No report**
- 17. Redevelopment Agency: No report**
- 18. Route 102 Study Commission: No report**
- 19. BOSAP: No report**
- 20. Personnel Board: No report**
- 21. Screening Subcommittee: Meeting of March 3, 2005**
- 22. Downtown Pascoag and Neighborhood Association: No report**
- 23. Budget Board: No report**
- 24. Library Building Committee: Meetings of May 12, April 14, and April 28, 2005**

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

11. Additional New Business:

Note: Council President Wallace F. Lees announced that items would be taken out of order and that item 05-228 would be considered at this point on the agenda.

05-228 VOTED to adopt a resolution in support of a traffic signal at the intersection of Route 102 and Inman Road, Burrillville.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

Discussion: Michael C. Wood, Town Manager, explained that the idea of a traffic signal at the intersection of Route 102 and Inman Road had been supported by the Town Council in the past, the signal had been approved by the state, but that the intersection must qualify for funding under federal standards. Mr. Wood said that the administration would undertake engineering work to qualify the intersection. Mr. Wood recommended support of the resolution.

05-227 VOTED to grant the request for Executive Session from Town Manager Michael C. Wood pursuant to Rhode Island Open Meeting Law [42-46-5 (a)(5)] for discussion and considerations related to the acquisition, sale and exchange of real property, including, but not limited to, the Cardente property (Map 160, Lot 65); [§42-46-5 (a)(2)] for discussions pertaining to IBPO collective bargaining and [§42-46-5 (a)(2)] for discussions pertaining to litigation.

Motion by Councilor William E. Gonyea. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

There was a brief recess before the Town Council convened in Executive Session.

The Town Council returned to open session at 8:50 P.M.

VOTED to seal the minutes of the executive session, noting that no votes were taken.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

VOTED to adjourn at 8:50 P.M.

Motion by Councilor Ronald E. Faford. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

Louise R. Phaneuf, Town Clerk